

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Compliance Assistance

4 (Amendment)

5 401 KAR 11:030. Wastewater treatment and collection system operators; classification and  
6 qualifications.

7 RELATES TO: KRS 224.10-110, 224.73-110

8 STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110 authorizes the cabinet  
10 to promulgate administrative regulations concerning the certification of wastewater. This  
11 administrative regulation establishes classification of wastewater treatment and collection  
12 operator certifications and establishes the qualifications for certification.

13 Section 1. Classification of Wastewater Operator Certifications. (1) Wastewater treatment  
14 certifications.

15 (a) Limited certification. As provided in KRS 224.73-110(5), an operator issued a limited  
16 certificate may have primary responsibility for a school wastewater treatment plant and  
17 collection system.

18 (b) Class I Treatment certification.

19 1. A Class I treatment operator may have primary responsibility for a wastewater treatment  
20 plant with a design capacity less than or equal to 50,000 gallons per day.

2. A Class I Treatment operator shall not have primary responsibility for a wastewater treatment plant with a larger design capacity.

(c) Class I Treatment certification with an Operator in Training designation.

1. A Class I Treatment operator with an Operator in Training designation may have primary responsibility for a wastewater treatment plant with a design capacity less than or equal to 50,000 gallons per day.

2.[.] A Class I Treatment operator with an Operator in Training designation shall not have primary responsibility for a wastewater treatment plant with a larger design capacity.

(d) Class II Treatment certification.

1. A Class II Treatment operator may have primary responsibility for a wastewater treatment plant with a design capacity less than or equal to two (2) million gallons per day.

2. A Class II Treatment operator shall not have primary responsibility for a wastewater treatment plant with a larger design capacity.

(e) Class III Treatment certification.

1. A Class III Treatment operator may have primary responsibility for a wastewater treatment plant with a design capacity less than or equal to seven and one-half (7 1/2) million gallons per day.

2. A Class III Treatment operator shall not have primary responsibility for a wastewater treatment plant with a larger design capacity.

(f) Class IV Treatment certification. A Class IV Treatment operator may have primary responsibility for a wastewater treatment plant of any design capacity.

(2) Wastewater collection certifications.

(a) Class I Collection certification.

1        1. A Class I Collection operator may have primary responsibility for a wastewater collection  
2 system that transports wastewater to a treatment plant with a design capacity of less than or equal  
3 to 50,000 gallons per day.

4        2. A Class I Collection operator shall not have primary responsibility for a wastewater  
5 collection system that transports wastewater to a treatment plant with a larger design capacity.

6        (b) [2]. Class I collection certification with an Operator in Training designation.

7        1. A Class I Collection operator with an Operator in Training designation may have primary  
8 responsibility for a wastewater collection system that transports wastewater to a treatment plant  
9 with a design capacity of less than or equal to 50,000 gallons per day.

10       2. A Class I Collection operator with an Operator in Training designation shall not have  
11 primary responsibility for a wastewater collection system that transports wastewater to a  
12 treatment plant with a larger design capacity.

13       (c) Class II Collection certification.

14       1. A Class II Collection operator may have primary responsibility for a wastewater collection  
15 system that transports wastewater to a treatment plant with a design capacity of less than or equal  
16 to two (2) million gallons per day.

17       2. A Class II Collection operator shall not have primary responsibility for a wastewater  
18 collection system that transports wastewater to a treatment plant with a larger design capacity.

19       (d) Class III Collection certification.

20       1. A Class III Collection operator may have primary responsibility for a wastewater  
21 collection system that transports wastewater to a treatment plant with a design capacity of less  
22 than or equal to seven and one-half (7 ½) million gallons per day.

2. A Class III Collection operator shall not have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a larger design capacity.

(e) Class IV Collection certification. A Class IV Collection operator may have primary responsibility for any wastewater collection system.

Section 2. Wastewater Operator Qualifications: Experience, Education, and Equivalencies.  
An individual desiring to become a certified operator shall meet the following minimum qualifications prior to the cabinet approving the individual to take a certification examination as provided in 401 KAR 11:050.

(1) The education and experience requirement for each class of wastewater treatment certifications ~~shall be~~<sup>is</sup> as follows:

(a) Limited certification.

1. Education. A minimum level of education shall not be required.

2. Experience. A minimum level of experience shall not be required.

(b) Class I Treatment certification.

1. Education. A high school diploma or general education development (GED) certificate shall be required; and

2. Experience. One (1) year of acceptable operation of a wastewater treatment plant shall be required.

(c) Class I Treatment certification with an Operator in Training designation.

1. Education. A high school diploma or general education development (GED) certificate shall be required; and

2. Experience. Experience shall not be required.

(d) Class II Treatment certification.

1 1. Education. A high school diploma or general education development (GED) certificate  
2 shall be required; and

3 2. Experience. Two (2) years of acceptable operation of a wastewater treatment plant shall be  
4 required.

5 (e) Class III Treatment certification.

6 1. Education. A high school diploma or general education development (GED) certificate  
7 shall be required; and

8 2. Experience. Three (3) years of acceptable operation of a wastewater treatment plant with  
9 one (1) year of that experience in a wastewater treatment plant with a design capacity greater  
10 than 50,000 gallons per day shall be required.

11 (f) Class IV Treatment certification.

12 1. Education. A baccalaureate degree in engineering, science, or equivalent shall be required;  
13 and

14 2. Experience. At least five (5) years of acceptable operation of a wastewater treatment plant  
15 shall be required.

16 a. Three (3) years of the required experience [~~shall be~~] in a wastewater treatment plant with a  
17 design capacity greater than two (2) million gallons per day shall be required.

18 b. At least two (2) years of primary responsibility in a wastewater treatment plant with a  
19 design capacity greater than two (2) million gallons per day shall be required.

20 (2) The educational and experience qualifications for wastewater collection certifications  
21 shall be as follows:

22 (a) Class I Collection certification.

1        1. Education. A high school diploma or general education development (GED) certificate  
2 shall be required; and

3        2. Experience. One (1) year of acceptable operation of a wastewater collection system shall  
4 be required.

5        (b) Class I Collection certification with an Operator in Training designation.

6        1. Education. A high school diploma or general education development (GED) certificate  
7 shall be required; and

8        2. Experience. Experience shall not be required.

9        (c) Class II Collection certification.

10       1. Education. A high school diploma or general education development (GED) certificate  
11 shall be required; and

12       2. Experience. Two (2) years of acceptable operation of a wastewater collection system shall  
13 be required.

14       (d) Class III Collection certification.

15       1. Education. A high school diploma or general education development (GED) certificate  
16 shall be required; and

17       2. Experience. Three (3) years of acceptable operation of a wastewater collection system with  
18 one (1) year of that experience in a wastewater collection system that transports wastewater to a  
19 treatment plant with a design capacity of greater[less] than [~~or equal to~~] 50,000 [~~two (2) million~~]  
20 gallons per day shall be required.

21       (e) Class IV Collection certification.

22       1. Education. A baccalaureate degree in engineering; environmental technology; biological,  
23 physical, or chemical sciences; or equivalent shall be required; and

2. Experience. At least five (5) years of acceptable operation of a wastewater collection system shall be required.

a. Three (3) years of the required experience ~~[shall be]~~ in a wastewater collection system that transports wastewater to a treatment plant with a design capacity of ~~greater~~~~[less]~~ than ~~[or equal to]~~ two (2)[seven and one-half (7 1/2)] million gallons per day shall be required.

b. At least two (2) years of primary responsibility in a wastewater collection system that transports wastewater to a treatment plant with a design capacity of ~~greater~~~~[less]~~ than ~~[or equal to]~~ two (2)[seven and one-half (7 1/2)] million gallons per day shall be required.

(3) Substitutions. The cabinet shall allow the following substitutions for the qualifications specified in subsections (1) and (2) of this section:

(a) Education in environmental engineering; environmental technology; and biological, physical, or chemical sciences shall be substituted if the substitution does not exceed fifty (50) percent of the required experience. ~~[for up to fifty (50) percent of the experience requirement as follows:]~~

1. An associate degree may substitute for two (2) years of experience.

2. A baccalaureate degree may substitute for four (4) years of experience.

3. Education that did not result in a degree in a related field may be substituted for the required experience as follows:

a. Ten (10) contact hours, one (1) CEU, or one (1) post-secondary education quarter hour with a passing grade may substitute for 0.022 years of experience

b. One (1) post-secondary education semester hour with a passing grade may substitute for 0.033 years of experience

1        4. Education applied to the experience requirements established~~[specified]~~ in subsections (1)  
2        and (2) of this section shall not be applied to the education requirement.

3        (b) Experience may be substituted for the educational requirement as follows:

4        1. One (1) year of operational experience at a treatment plant may substitute for one (1) year  
5        of education.

6        2. One (1) year of collection system experience may substitute for one (1) year of education.

7        3. The cabinet may allow partial substitution of the education requirement by experience in  
8        maintenance, laboratory analysis or other work related to the collection, treatment or distribution  
9        of drinking water or wastewater. To establish how much experience shall be accepted, the  
10       cabinet shall determine the degree of technical knowledge needed to perform the work and the  
11       degree of responsibility the applicant had in the operation of the system.

12       4. Experience applied to the education requirement established~~[specified]~~ in subsections (1)  
13       and (2) of this section shall not be applied to the experience requirement.

14       (c) Collection system and treatment experience may be substituted as follows:

15       1.a. Four (4) years of collection system experience shall be considered equivalent to one (1)  
16       year of treatment experience.

17       b. This substitution shall not account for more than fifty (50) percent of the experience  
18       required by subsection (1) of this section.

19       2. One (1) year of treatment experience shall be considered equivalent to one (1) year of  
20       collection system experience.



401 KAR 11:030 "Wastewater treatment and collection system operators; classification and qualifications" approved for promulgation:

7/13/09

Date

Henry C. A. List

Henry "Hank" List, Deputy Secretary FOR  
Leonard K. Peters, Secretary  
Energy and Environment Cabinet

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on August 25, 2009 at 10:00 A.M. (Eastern Time) at 300 Fair Oaks Lane, Conference Room 301D, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by August 18, 2009, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2009. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Julia Kays, Regulations Coordinator  
Division of Compliance Assistance  
300 Fair Oaks Lane  
Frankfort, KY 40601  
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## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 401 KAR 11:030

Contact Person: Aaron Keatley, Director

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:** This administrative regulation establishes standards for the classification and qualifications of certified operators.

**(b) The necessity of this administrative regulation:** This administrative regulation is necessary to establish the minimum qualifications for an individual before they can take a certification examination. It also defines the substitutions that may be used to meet the minimum qualifications for certification

**(c) How this administrative regulation conforms to the content of the authorizing statutes:** This regulation conforms to KRS 224.10-110 and 224.73-110 which authorizes the cabinet to implement a certification program for wastewater system operators. This administrative regulation establishes standards for classification and qualification of certified operators.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:** This administrative regulation clarifies the minimum qualifications for certification and establishes certification classifications as mandated by KRS 224.73- 110.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The amendment corrects errors identified in the experience requirements for collection system operators and clarifies the substitution for experience qualifications. This amendment does not impose any new standards or fiscal impacts.

**(b) The necessity of the amendment to this administrative regulation:**

The amendment corrects errors identified in the experience requirements for collection system operators and clarifies the substitution for experience qualifications. This amendment does not impose any new standards or fiscal impacts.

**(c) How the amendment conforms to the content of the authorizing statutes:**

The amendment corrects errors identified in the experience requirements for collection system operators and clarifies the substitution for experience qualifications. This amendment does not impose any new standards or fiscal impacts.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment corrects errors identified in the experience requirements for collection system operators and clarifies the substitution for experience qualifications. This amendment does not impose any new standards or fiscal impacts.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:** Certified wastewater treatment plant and collection system operators will be affected by this new administrative regulation. There are approximately 1700 operators currently certified by the program. State or local governments that operate wastewater treatment plants or collections systems will be indirectly affected by this amended administrative regulation.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:** Certified operators, state and local governments, will refer to this amended administrative regulation to determine the necessary education and experience requirements for each wastewater and collection system classification.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

Under this amended administrative regulation, individuals should not expect to experience any additional cost.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):** Certified operators, state and local governments, will gain a clear understanding of the classification and qualification requirements and as a result understand what experience and education must be obtained prior to becoming certified.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:** No additional costs are anticipated.

**(b) On a continuing basis:** No additional costs are anticipated.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:** Implementation of this amended administrative regulation is funded through agency funds.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:** No additional fees or funding will be required to implement this administrative regulation.

**(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:** This administrative regulation will not directly or indirectly establish any fees.

**(9) TIERING: Is tiering applied? (Explain why or why not).** Yes, tiering is applied. Different operator classifications require varying levels of education and experience for certification. These requirements are tiered based on the size of the treatment and collection processes.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation #: 401 KAR 11:030

Contact Person: Aaron Keatley, Director

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes   X   No       

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This amended administrative regulation relates to state or local governments that operator wastewater treatment plants or collections systems.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 224.10-100, 224.10-110, 224.73-110.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate additional state or local government revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate additional state or local government revenue.

(c) How much will it cost to administer this program for the first year? No additional cost is anticipated.

(d) How much will it cost to administer this program for subsequent years? No additional cost is anticipated.

**Note:** If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

**Other Explanation:** This amended administrative regulation clarifies the classification and qualifications for certified operators. No fiscal impacts are anticipated.

## FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation#: 401 KAR 11:030

Contact Person: Aaron Keatley, Director

**1. Federal statute or regulation constituting the federal mandate.**

There is no federal mandate for this administrative regulation.

**2. State compliance standards.**

There is no federal mandate for this administrative regulation.

**3. Minimum or uniform standards contained in the federal mandate.**

There is no federal mandate for this administrative regulation.

**4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate?**

There is no federal mandate for this administrative regulation.

**5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.**

There is no federal mandate for this administrative regulation.